

NRCS PA Role in Verifying Conservation Plans for REAP Program (12/13/2007)

The Pennsylvania State Conservation Commission (SCC) released REAP program applications at their website on December 3, 2007. The *REAP Program Guidelines and Application* packet can be found at this website <http://www.agriculture.state.pa.us/REAP>.

PA Bulletin No. PA180-8-1 provides guidance for NRCS field employees on procedures to be used in servicing requests from Conservation Districts or producers on verification of conservation plan status. This bulletin can be accessed electronically from this website: <http://www.pa.nrcs.usda.gov/intranet/>. This site also links to a "fillable" *PA NRCS Con Plan Verify form 07_01* that can be used for Conservation Plan Verification.

REAP is a new and innovative program that the SCC built this rapidly over the past few months. State office staff have kept abreast of REAP's development and continue to network with SCC staff to understand exactly what they are requiring.

This guidance is intended to clarify issues NRCS field staff may encounter while servicing requests for Conservation Plan verification. Information provided is the best understanding we have at this time.

Don't hesitate to ask questions as they arise.

Are Conservation Plans required to participate in the REAP program?

REAP eligibility requires that an agricultural operation have either a Conservation Plan or an Ag E&S plan that meets specific Quality Criteria for specific Resource Concerns.

Ag operations that are required by PA law to have nutrient management plans, i.e. CAOs and CAFOs, must have those plans also.

The cost of developing and implementing these plans may be included as part of a REAP application to qualify for the tax credit.

Specific REAP Resource Concerns and Quality Criteria are discussed below.

A REAP applicant or Conservation District has asked for verification of a Conservation Plan. What are they asking for?

They are asking whether or not an agricultural operation has a current Conservation Plan that addresses Resource Concerns for certain tracts of land.

What does "current" mean?

For the purposes of REAP, a conservation plan is defined as "current" if the plan accurately reflects the existing operation including correct number of acres, crop rotations, tillage, and animal numbers. A "current" plan addresses the required REAP Resource Concerns.

An "old" Conservation Plan can be "current" if that Conservation Plan accurately reflects the existing operation.

If the Conservation District asks for Conservation Plan verification and NRCS determines that the plan is not current, will that operation be ineligible to participate in REAP?

The operation will be eligible to participate in REAP if the Conservation plan is not current or there is no plan at all. The applicant may apply for a tax-credit to have a plan developed.

What if the plan is an HEL compliance plan that meets "T"? Is that plan current and eligible?

To be acceptable for REAP verification, the Conservation Plan must include all land uses on the home farm and address the REAP Resource Concerns and the Quality Criteria for those concerns. If the operator applies for structural BMPs on a tract of land other than the home farm, then the plan must address the Resource Concerns on that tract of land in the plan in addition to the home farm.

What tracts are required to be in the application? What tracts should I look for in the Conservation plan?

The REAP applicant must include the all land uses in the home farm (i.e. crop land, pasture land, headquarters) and any tracts that will receive structural BMPs to be reimbursed with REAP tax credits.

What are the Resource Concerns required by the REAP program?

The REAP *Program Guideline and Application* packet, Attachment 3 lists the resource concerns. Please refer to that document for full details. The Resource Concerns and Quality Criteria are summarized below.

Resource Concern	Quality Criteria
1. Soil Erosion - sheet & Rill	Sheet and erosion does not exceed "T" over the crop rotation.
2. Soil Erosion - ephemeral & classic gullies	Conservation practices or BMPs stabilize the small and large channels.
3. Water Quality - excessive suspended sediment in surface water	Cropland with <25% cover within 100' of surface water are treated with additional Conservation Practices or BMPs to mitigate adverse effect.
4. Water Quality - excessive nutrients & organics in surface water and groundwater	Nutrients and organics are stored, handled and applied to mitigate adverse effect.

It is important to note that Resource Concern 4 (Water Quality - excessive nutrients & organics in surface water and groundwater) is only considered a requirement for the REAP application IF the operation is a CAO or CAFO. When the operation is not a CAO or CAFO, only use the first three Resource concerns.

The NRCS planning process has identified "Water Quality - excessive nutrients" as a resource concern on the client's livestock operation. This concern is documented in the Environmental Evaluation Worksheet (CPA-52). The client has decided not to address this concern at this time. Must the client's Conservation Plan schedule the nutrient management practice (i.e.590) for completion for his Conservation Plan to be "current" for REAP purposes?

No. "Water Quality - excessive nutrients..." is only required by REAP when the farm is required by PA law to have either a CAO (Act 38) or a CAFO nutrient management plan.

REAP will provide tax credit for development of the 590 if the farmer decides that now is the time to add it to his plan.

Are minor pen-and-ink changes allowed to modify a Conservation Plan to make it "current" for REAP purposes?

NRCS may have many Conservation Plans in place that do not meet the Quality Criteria listed for REAP Resource Concern "Water Quality - excessive suspended sediment in surface water." This quality criteria requires that "Cropland with <25% cover within 100' of surface water are treated with additional Conservation Practices or BMPs to mitigate adverse effect". The client may decide to add Cover Crop (340) to some fields to meet this requirement. This simple change will only require a few minutes. We should make minor modifications to a client's plan, when requested.

How do I verify a Conservation Plan?

Verification of a client's Conservation Plan to the Conservation District may be either written or verbal. *PA NRCS Con Plan Verify form 07_01* is provided with PA Bulletin No. PA180-8-1 and its use is optional. In the event that the Conservation District is not participating in REAP program assistance, this form may be completed and given directly to the client to attach to the application when submitted.

ACAs and REAP applications?

REAP eligibility requires that agricultural operations with an animal concentration area (ACA) must have implemented Best Management Practices to control storm water runoff, loss of sediment and nutrients and runoff of other pollutants from the animal concentration area, or the implementation of these BMPs must be included in an application for tax credit.

When reviewing a Conservation Plan to determine if it is current for a REAP application, identify any untreated ACAs with resource concerns located on tracts to be included with the REAP application. If the farmer chooses to implement practices to address untreated ACA issues, pen-and-ink changes may be made to the Conservation Plan to reflect that decision.

How much time should I spend on to verify Conservation Plans for REAP?

The time required to verify the existence of a Conservation should be minimal; either the Ag operation has a current Conservation Plan or it does not. When an otherwise current Conservation Plan requires minimal pen-and-ink modifications (as described above) to be eligible, then spend a minimal amount of time to update the plan.

Employees are not expected to write a new plan or spend many hours updating an obviously non-current plan for the purposes of this verification. Ag operations that need major changes in their Conservation Plans to become current should apply to REAP of planning assistance.

Be fair and equitable when providing time to assist clients with Conservation Plan verification. Do not discriminate when providing verification assistance by spending significantly more time on one Conservation Plan if that amount of time cannot be provided for all others.

Is there a privacy issue regarding providing a copy of the NRCS 1245 form Practice Certification and Application for Payment?

Yes. This form should only be released to the program participant or anyone they have authorized in writing to receive it.

The operation is currently participating in EQIP or Chesapeake Bay funding programs. Do we need to report the applicant's participation in those programs?

The applicant is required to disclose all public funding sources for each project in the application. This disclosure is the responsibility of the applicant.

If the applicant has no current Conservation Plan or Ag E&S plan, can they apply for a plan to be developed in the first year of the agreement and a No Till planter in the 3rd year?

No. Applicants that do not have a current conservation plan, Ag E&S plan or nutrient management plan (if required) will be restricted to applying for tax credits for planning-related activities in the 2007-2007 application. Pending future funding of the program, they may be able to apply for credits for things implemented by the plan in future years.

May I sign REAP documents?

No.

One last tip:

You may find it helpful to maintain an in-office logbook of Conservation Plan verification recommendations provided by the office to keep track of clients assisted.